

PROB 12C
(06/15)

United States District Court
Southern District of Texas

ENTERED

July 01, 2019

David J. Bradley, Clerk

**United States District Court
for**

SOUTHERN DISTRICT OF TEXAS

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **MARTHA JOSEFINA DOMINGUEZ** Case Number: **7:16CR-00135-002**

Name of Sentencing Judicial Officer **HONORABLE RANDY CRANE**

Date of Original Sentence: **JUNE 14, 2016**

Original Offense: **COUNT 1: CONSPIRACY TO COMMIT HEALTH CARE FRAUD, IN VIOLATION OF 18 U.S.C. § 1349.**

COUNT 2: AGGRAVATED IDENTITY THEFT, IN VIOLATION OF 18 U.S.C. § 1028 AND 2.

Original Sentence: **TWELVE (12) MONTHS AND ONE (1) DAY CUSTODY OF THE U.S. BUREAU OF PRISONS AS TO EACH OF COUNTS 1 AND 2, TO RUN CONCURRENTLY WITH EACH OTHER, FOLLOWED BY A THREE (3) YEAR TERM OF SUPERVISED RELEASE, AS TO EACH OF COUNTS 1 AND 2, TO RUN CONCURRENTLY WITH EACH OTHER.**

Type of Supervision: **SUPERVISED RELEASE** Date Supervision Commenced: **5/31/17**

Maximum Penalty Upon Revocation: **COUNTS 1 AND 2: TWO (2) YEARS CUSTODY OF THE U.S. BUREAU OF PRISONS, PURSUANT TO 18 U.S.C. § 3583(e)(3).**

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

To issue a Violator's Warrant and set a Revocation Hearing to show cause why Supervised Release should not be revoked.

The probation officer believes that the offender has violated the following conditions of supervision:

**RE: DOMINGUEZ, Martha Josefina
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Violation Number Nature of Noncompliance

1. **Mandatory Condition:** "**SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME"**
- A.** On or about May 3, 2019, in Laredo, Webb County, Texas, within the Southern District of Texas, Martha Josefina Dominguez violated the Mandatory Condition of supervision by committing the offense of driving while intoxicated with child under 15 years of age, in violation of § 49.04(a) and 49.045 of the Texas Penal Code, a state jail felony.
- B.** On or about May 3, 2019, in Laredo, Webb County, Texas, within the Southern District of Texas, Martha Josefina Dominguez violated the Mandatory Condition of supervision by committing the offense of abandoning/endangering a child through criminal negligence, in violation of § 22.041(c) of the Texas Penal Code, a state jail felony.
- C.** On or about May 3, 2019, in Laredo, Webb County, Texas, within the Southern District of Texas, Martha Josefina Dominguez violated the Mandatory Condition of supervision by committing the offense of failure to identify, § 38.02 of the Texas Penal Code, a Class B misdemeanor.
- D.** On or about May 6, 2019, in or around Laredo, Webb County, Texas, within the Southern District of Texas, Martha Josefina Dominguez violated the Mandatory Condition of supervision unlawfully being found in the United States after having previously been deported, in violation of 8 U.S.C. 1326(a) and (b).

According to the investigative material, on May 31, 2017, Martha Josefina Dominguez completed her term of imprisonment imposed in Criminal Docket Number 7:16CR00135-002, and commenced the term of Supervised Release; however, she was transferred to immigration officials for deportation proceedings, pursuant to an immigration detainer which had been lodged. On June 7, 2017, Releasee Dominguez was deported to Mexico. On or after June 7, 2017, Releasee Martha Josefina Dominguez re-entered the United States, as evidenced by her arrest on May 3, 2019, in Laredo, Texas, and subsequent deportation on May 6, 2019.

On May 3, 2019, Releasee Martha Josefina Dominguez, using the aliases Josefina Hernandez, Martha Mendez, Martha Camacho-Hernandez, and the date of birth, December 3, 1979, was arrested in Laredo, Texas. The arrest stemmed from an initial call of an alleged assault involving Releasee Dominguez, her husband, and the couple's child at a residence located at 4523 La Cienega Lane in Laredo, Texas.

According to the details noted in the Laredo, Texas, Police Department Incident Report Number 19-11252, on May 3, 2019, at approximately 6:03 a.m., Officers H. Cadena and E. Juarez responded to assist with a traffic stop at 1001 Sierra Vista Boulevard in Laredo, Texas. Upon arriving at the location, Officers Cadena and Juarez met with Officers Rodriguez and Garcia who provided information regarding the female who was the driver of the vehicle which was the subject of a traffic stop. Upon initial questioning, the female provided the name, Martha Mendez; however, she then provided a State of Texas Identification Card Number 36550599 which identified her as Josefina Hernandez.

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Further questioning of the Releasee regarding the alleged assault produced conflicting information regarding the alleged assault. Initially, the Releasee stated nothing had occurred, then she stated that her husband, Juan Carlos Moreno, had assaulted her and her child and fled the scene. She further stated her husband had kicked her arm. Officers observed no visible marks or injuries on the Releasee or her child, J.C.M. Moreover, the child appeared to be uninjured, had a playful demeanor, and was interested in the officer's flashlight which was on display.

Officer observed in plain sight an open alcoholic beverage, that is, a 12-ounce can of Bud Light, as well as, an open 12-pack of the same beverage. In addition, the officer observed that the child was not restrained in the vehicle. When questioned regarding the unsecured child, Releasee Dominguez stated that she had not time to secure the child when she hastily fled the residence where the assault occurred. As the Releasee spoke, the strong and distinct odor of an alcohol beverage emitted from the Releasee's breathe. In response, officers asked the Releasee to exit the vehicle and enter the patrol unit along with her child. An improperly secured child safety seat in the Releasee's vehicle was removed and placed in the patrol unit to safely transport the child to the police station, along with the Releasee.

Upon arriving at the Laredo Police Department, the Releasee was placed in a driving while intoxicated (DWI) room for the purpose of administering standard field sobriety tests and in order to conduct a DWI interview. The Releasee invoked her 5th amendment right and refused to answer any questions and participate in any of the field sobriety tests. The Releasee utilized harsh and verbally aggressive language and demanded numerous times that she be given her phone call.

While in the DWI room, the Releasee indicated she was willing to urinate in the DWI room and booking area; however, she refused to urinate on numerous attempts. She also refused to consent to a pat-down search for any weapons on her person. A family member, Ida Guadalupe Hernandez, arrived at the police department and took custody of the child. Ms. Ida Hernandez further reported that the family had organized a party. During party, the Releasee was the aggressor of the incident after she became upset when her husband would not give her the child. The Releasee took the child and left the residence unbeknownst to the family members at the residence.

After the child was taken by a family member, the Releasee was booked under the name, Martha Camacho-Hernandez, accordingly at the Webb County Jail in Laredo, Texas, and charged with driving while intoxicated with child under 15 years of age and abandoning/endangering a child through criminal negligence. Bond was not set for either charge and the charges remain pending at this time.

The incident was recorded by means of a department issued body camera and the unit's on-board dash camera. Further, a review of the Webb County Jail booking sheet and photo dated May 3, 2019, confirmed that Releasee Dominguez, under the name of Martha Camacho-Hernandez, was the person arrested for the offense of driving while intoxicated with child under 15 years of age.

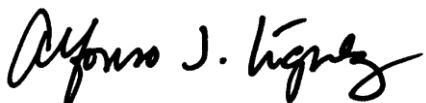
On May 6, 2019, the Releasee was turned over to U.S. Immigration and Customs Enforcement, Office of Enforcement and Removal Operations (ICE/ERO), at which time she

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was processed and removed to Mexico on the same date. The Releasee was not charged with any offense associated with unlawfully entering the United States after having previously been deported. However, based on her deportation on June 7, 2017, she was illegally present in the United States when she was initially encountered by the Laredo Police Department and found by immigration officials on May 6, 2019.

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

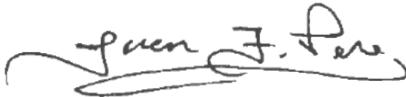
Approved:



Alfonso J. Liguez, Supervising
United States Probation Officer

Respectfully submitted,

By:



Juan F. Perez
United States Probation Officer
June 13, 2019
(JFP) #2157942

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THE COURT ORDERS:

- [] No Action
- [] The Supervised Releasee be summoned to appear before the United States Magistrate Judge, McAllen, Texas, on the date and time set forth on the attached Summons for an initial appearance in order to initiate Supervised Release revocation proceedings before the United States District Court, 9th Floor, 1701 W. Bus. Hwy. 83, McAllen, Texas, to show cause why her Supervised Release should not be revoked.
- [] The issuance of a warrant, and a bond of \$_____ cash/surety with supervision as directed by the Probation Officer as a condition of said bond. Further, that a revocation hearing be set to show cause why Supervised Release should not be revoked.
- [X] The Issuance of a Warrant, and no bond be set. Further, that a revocation hearing be set to show cause why Supervised Release should not be revoked.
- [] Other:



Honorable Randy Crane
U. S. District Judge

June 29, 2019

Date